

Christine P. Bartholomew (State Bar No. 211425)  
Mark Punzalan (State Bar No. 247599)  
FINKELSTEIN, THOMPSON LLP  
100 Bush Street, Suite 1450  
San Francisco, California 94104  
Telephone: (415) 398-8700  
Facsimile: (415) 398-8704

[Additional Counsel Listed on Signature Page]

Attorneys for *Plaintiff*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

PETER RUDOLPH, individually and on behalf of all others similarly situated,	)	Case No. C-07-4578-SI
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
UT STARCOM, HONG LIANG LU, MICHAEL SOPHIE, THOMAS TOY, and FRANCIS BARTON,	)	
	)	
Defendants.	)	

**WAIVER OF SERVICE OF SUMMONS**

TO: Mark Punzalan

I acknowledge receipt of your request that I waive service of a summons in the above-captioned action. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint I this lawsuit by not requiring that I (the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.


I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after **September 13, 2007** (date request was sent).

Date

9/13/07

Signature



Printed/typed name:

Bahram Seyedin-Noor  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
650.565.3566 Office  
650.799.7647 Cell  
650.493.6811 Fax

On Behalf of Hong Liang Lu

#### **Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

1 It is not good cause for a failure to waive service that a party believes that the complaint is  
2 unfounded, or that the action has been brought in an improper place or in a court that lacks  
3 jurisdictions over the subject matter of the action or over its person or property. A party who  
4 waives service of the summons retains all defenses and objections (except any relating to the  
5 summons or service of the summons), and may later object to the jurisdiction of the court of to the  
6 place where the action has been brought.

7 A defendant who waives service must within the time specified on the waiver form serve  
8 on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also  
9 file a signed copy of the response with the court. If the answer or motion is not served within this  
10 time, a default judgment may be taken against that defendant. By waiving service, a defendant is  
11 allowed more time to answer than if the summons had been actually served when the request for  
12 waiver of service was received.